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REMARKS

The Office Action dated 29 November 2005 has been reviewed, and the comments of the U.S. Patent Office have been considered. By this amendment, claims 3, 4, 14, 18, 21, 25, and 26 have been canceled without prejudice or disclaimer, claims 1, 5, 9, 15, and 22 have been amended to more fully set forth the claimed invention, and claims 27-29 have been newly added. Thus claims 1, 2, 5-13, 15-17, 19, 20, 22-24, and 27-29 are currently pending.

In the Office Action, claims 25 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because it recites that valve shaft is "coupled" to the actuator shaft. Because 25 has been canceled without prejudice or disclaimer, this rejection is mooted.

Claims 1-6, 9, 10, and 12-14 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,680,880 to Miyake et al. ("Miyake"); claims 7, 8, and 11 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Miyake in view of U.S. Patent No. 5,941,500 to Lebkuchner; claims 15 and 22 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Miyake in view of U.S. Patent No. 6,484,704 to Cook et al. ("Cook"); and claims 16-21 and 22-26 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Miyake in view of Cook and in further view of Lebkuchner. These rejections are respectfully traversed in view of the above amendments and the following comments.

Independent claims 1 is directed to a method of assembling an exhaust gas recirculation valve and independent claims 9, 15, and 22 are directed to methods of operating an EGR valve. Each of the methods include a spring extending between first and second cups. The first cup transferring inwardly toward the longitudinal axis a biasing force to the valve shaft or valve member. The second cup is oriented in a direction opposite the first cup. Support for the claimed combination of features can be found in, for example, Applicants' Figures 1 and 2 and pages 4 and 5, paragraphs [0015] to [0017]. As discussed in Applicants' specification as originally filed, for example in paragraph [0021] on pages 5 and 6, such an arrangement may result in minimizing the amount of heat transfer from the base or valve shaft to the actuator.

In contrast, Miyake discloses a single spring holder 7 attached to valve shaft 4 to retain a spring 11 between the spring holder and bracket 8 or 14. See Figure 1 and Figure 21, for example, showing spring 11 between bracket 14 or bracket 8, respectively. With regards to Figure 21, Miyake describes at column 1, lines 41-56, that the bracket 8 supports both spring 11

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and a stepping motor 12. Miyake further describes that such an arrangement fails to prevent heat transfer from a housing 1 to the stepping motor 12. Similarly, at column 6, lines 4-14, Miyake describes an arrangement where bracket 14, which is integrated with housing 1, supports the stepping motor 12. Noticeably, because the bracket 8 supports the stepping motor 12, the spring holder 7 and bracket are oriented in the same direction.

As such, Miyake fails to show or describe the claimed methods including the spring arrangement as set forth in independent claims 1, 9, 15 and 22. Moreover, Miyake fails to teach or suggest a modification to include the claimed spring arrangement.

None of the other references relied on by the Examiner show or describe such a spring arrangement and thus fails to cure this deficiency in Miyake. Therefore independent claims 1, 9, 15, and 22 are allowable and the corresponding §§ 102 and 103 rejections should be withdrawn.

Claims 2, 5-8, 10-13, 16, 17, 19, 20, 23-24, and 27-29 depend either directly or indirectly from one of independent claims 1, 9, 15, and 22 and are allowable for at least the same reasons as the independent claim from which they depend, as well as for their additionally recited subject matter.

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CONCLUSION

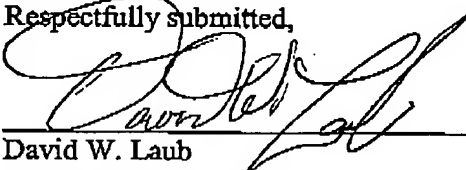
In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration of this Application and the prompt allowance of claims 1, 2, 5-13, 15-17, 19, 20, 22-24, 27-29.

Should the Examiner feel that there are any issues outstanding after consideration of this reply, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution of the application.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 08-1641. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Date: 2/28/06
Heller Ehrman LLP
1717 Rhode Island Avenue, NW
Washington, D.C. 20036
Telephone: (202) 912-2000
Facsimile: (202) 912-2020

Respectfully submitted,



David W. Laub
Attorney for Applicants
Reg. No.: 38,708

Customer No. 26633